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| 10/764,490 | 01/27/2004 | Pascal Denolly | Q-79591 | 6273 |
| 23373 7590 02/13/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037 | | | | |
| EXAMINER | | | | |
| HALL, DEANNA K | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3767 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/764,490

Applicant(s)

DENOLLY, PASCAL

Examiner

DEANNA K. HALL

Art Unit

3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on November 12, 2008 (October 14, 2008).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on January 27, 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 12, 2008 has been entered.

Acknowledgments

2. This office action is in response to the reply filed on October 14, 2008.
3. In the reply, the applicant amended claim 1. Claims 1-10 are pending in the application.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-6 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrington (US 5,306,248).** Barrington discloses:

A syringe body 12 and a syringe piston 26 slidably and rotatably displaceable in said syringe body, the piston presenting an outside thread 30 over at least a fraction of its length, the device further comprising a retaining mechanism 44 for retaining the piston and comprising, firstly at least one half-nut movable between a position where it is spaced apart from the thread, and in which the piston is free to slide in the syringe body C6 L67- C7 L9, and a position where it engages the thread, in which free sliding of the piston is impossible, and in which the piston can be screwed into or out from the syringe body C7 L9-17, and secondly, for each half-nut, a control member 46 for controlling the displacement of the corresponding half-nut between its two positions, said member being movably mounted relative to the syringe body, wherein the retaining mechanism 44 comprises, for each half-nut, at least one elastically-deformable element 32, C6 L5-6 pressing against the corresponding half-nut and against the syringe body, and wherein the control member comprises a finger 52 bearing against the corresponding half-nut and adapted, during displacement of the control member, to bear against two surfaces 42, 43 carried by the half-nut, the two surfaces being arranged in succession along the syringe axis from the back to the front and offset from each other in a radial direction of the syringe body, the half-nut being in its position spaced apart from the thread Fig. 4 when the finger 52 bears against the surface 42 that is radially closer to the syringe piston, and the half-nut being in its position engaged with the thread when the finger 52 is pressed against the surface 43, Fig. 5 that is further away. See C6 L30- C7 L17.

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The deformable element 32 is secured to the corresponding half-nut 44, C6 L32-34.

The deformable element is a resilient tab which extends substantially parallel to the longitudinal direction of the syringe body C6 L3-5.

For each half-nut there are provided two deformable elements disposed on either side of the half-nut in the longitudinal direction of the syringe body, see Fig. 6.

Each half-nut presents a transition surface passing between the two surfaces against which the corresponding finger 52 presses, said transition surface forming a cam 40 for said finger.

The surface further away from the syringe piston is provided with a projection 43 suitable for blocking the finger 52 pressed against said surface, see Fig. 5.

Each control member 46 is received in a housing secured to the syringe body 12 and having said control member movably mounted thereto C6 L49-51.

Each half-nut comprises a hollow body 34 for receiving a portion of the corresponding finger, which hollow body comprises a bottom wall carrying said two surfaces against which the finger presses, and side walls forming surfaces for guiding the finger during

its displacements relative to the syringe body, see Figs. 4-6.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrington in view of Spool et al. (US 6,110,151) ("Spool").

Barrington shows as discussed above. Barrington does not directly show each half-nut mounted to tilt about an axis perpendicular to the longitudinal direction of the syringe body. Spool, in the analogous art, teaches the nut disposed at a backward angle with respect to the piston C5 L35-50, Fig. 6. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the device of Barrington with the nut mounted at a perpendicular tilt to the longitudinal direction of the syringe body as taught by Spool for adjusting the friction between the threads.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrington in view of Dixon et al. (US 6,916,308) ("Dixon").

Barrington shows as discussed above. Barrington does not directly show the device further comprises a rigid handle integrally molded with the syringe body and

situated diametrically opposite the control member for the sole half-nut. Dixon, in the analogous art, teaches a diametrically opposed rigid handle 38. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the device of Barrington with the handle as taught by Dixon for easier manual gripping.

Response to Arguments

9. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that Barrington's surfaces 42, 43 which are carried by the half-nut are arranged around the syringe axis rather than along the syringe axis from the back to the front thereof. This argument is not persuasive. Applicant's figures 4A and 4B refer to one side of the syringe axis, particularly the circled areas in figures 3A and 3B, respectively. Likewise, figures 4 and 5 of Barrington could be cross cut to show only one side of the syringe axis. Surfaces 42 and 43 of Barrington have similar surfaces (40, but each surface is not individually labeled) on the opposite side of the syringe axis. Thus, examiner finds no difference between the surfaces 42, 43 of Barrington and the surfaces 50A, 56A of applicant's invention. The surfaces 42, 43 of Barrington are arranged in succession along the syringe axis from the back to the front.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEANNA K. HALL whose telephone number is (571)272-2819. The examiner can normally be reached on M-F 9:00am-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Simons can be reached on 571-272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Deanna K. Hall/
Examiner, Art Unit 3767
2/9/09
/Kevin C. Simons/
Supervisory Patent Examiner, Art Unit 3767